

**DECLARATION AND POWER OF
ATTORNEY FOR UTILITY OR DESIGN
PATENT APPLICATION
(37 CFR 1.63)**



Declaration
Submitted
with Initial
Filing



Declaration
Submitted
after Initial
Filing

Attorney Docket No.

N1261-007

First Named
Inventor

Warren S. BARHAM

COMPLETE IF KNOWN

Application Number

10/025,819

Filing Date

December 26, 2001

Group Art Unit

1638

Examiner Name

A. Kubelik

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SMALL TRIPLOID SEEDLESS WATERMELON** the specification of which was filed on December 26, 2001 as United States Application Number 10/025,819.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

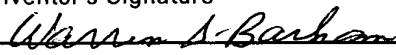
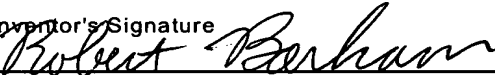
Prior Foreign Application Numbers	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

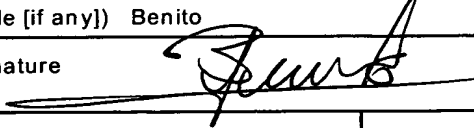
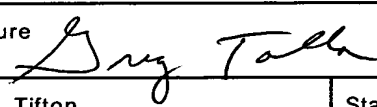
I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

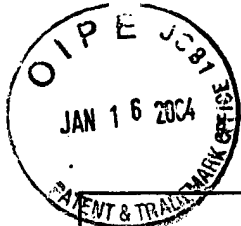
Application Number(s)	Filing Date (MM/DD/YYYY)

I or we hereby appoint the registered practitioner(s) associated with Customer No. **32905** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Direct all correspondence to Customer Number **32905**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Warren S.		Family Name or Surname BARHAM	
Inventor's Signature 		Date	
Residence: City Gilroy	State California	Country US	Citizenship US
Mailing Address 7401 Crawford Drive			
Mailing Address			
City Gilroy	State California	Zip 95020	Country US
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Robert		Family Name or Surname BARHAM	
Inventor's Signature 		Date	
Residence: City Gilroy	State California	Country US	Citizenship US
Mailing Address 10030 New Avenue			
Mailing Address			
City Gilroy	State California	Zip 95020	Country US
NAME OF THIRD INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Fred		Family Name or Surname McCUISTION	
Inventor's Signature		Date	
Residence: City Tifton	State Georgia	Country US	Citizenship US
Mailing Address 2601 Emmett Drive			
Mailing Address			
City Tifton	State Georgia	Zip 31794	Country US

NAME OF FOURTH INVENTOR:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Benito		Family Name or Sumame JUAREZ	
Inventor's Signature 		Date 12-19-03	
Residence: City Woodland	State California	Country US	Citizenship MX
Mailing Address 424 Delores Drive			
Mailing Address			
City Woodland	State California	Zip 95695	Country US
NAME OF FIFTH INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Greg		Family Name or Surname TOLLA	
Inventor's Signature 		Date Dec. 19, 2003	
Residence: City Tifton	State Georgia	Country US	Citizenship US
Mailing Address 1212 Shephan Street			
Mailing Address			
City Tifton	State Georgia	Zip 31793	Country US



**DECLARATION AND POWER OF
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Group Art Unit

1638

Examiner Name

A. Kubelik

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SMALL TRIPLOID SEEDLESS WATERMELON** the specification of which was filed on December 26, 2001 as United States Application Number 10/025,819.

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I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Numbers	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

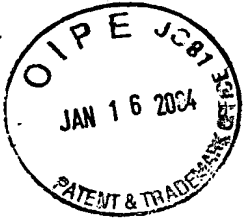
Application Number(s)	Filing Date (MM/DD/YYYY)

I or we hereby appoint the registered practitioner(s) associated with Customer No. **32905** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Direct all correspondence to Customer Number **32905**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Warren S.		Family Name or Surname BARHAM	
Inventor's Signature		Date	
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Mailing Address 7401 Crawford Drive			
Mailing Address			
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NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
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Inventor's Signature		Date	
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Mailing Address 10030 New Avenue			
Mailing Address			
City Gilroy	State California	Zip 95020	Country US
NAME OF THIRD INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Fred		Family Name or Surname McCUISTION	
Inventor's Signature <i>Fred McCuiston</i>		Date <i>12/31/03</i>	
Residence: City Tifton	State Georgia	Country US	Citizenship US
Mailing Address 2601 Emmett Drive			
Mailing Address			
City Tifton	State Georgia	Zip 31794	Country US

NAME OF FOURTH INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Benito		Family Name or Sumame JUAREZ	
Inventor's Signature		Date	
Residence: City Woodland	State California	Country US	Citizenship MX
Mailing Address 424 Delores Drive			
Mailing Address			
City Woodland	State California	Zip 95695	Country US
NAME OF FIFTH INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Greg		Family Name or Surname TOLLA	
Inventor's Signature <i>Greg Tolla</i>		Date <i>Dec. 19, 2003</i>	
Residence: City Tifton	State Georgia	Country US	Citizenship US
Mailing Address 1212 Shephan Street			
Mailing Address			
City Tifton	State Georgia	Zip 31793	Country US



N1261-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Warren S. BARHAM)	
)	
Serial No. 10/025,819)	Group Art Unit: 1638
)	
Filed: December 26, 2001)	Examiner: A. Kubelik
)	
For: Small Triploid)	
Seedless Watermelon)	

AFFIDAVIT OF WARREN S BARHAM

Assistant Commissioner for Patents
Washington, D.C. 20231

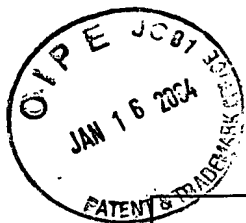
Dear Sir:

I, Warren S. Barham of Warren S. Barham, state that the inventorship error of failing to include Robert Barham, Fred McCuiston, Benito Juarez and Greg Tolla as additional inventors of this patent application occurred without any deceptive intention on my part.

Respectfully submitted,

1/6/04
Date

By Warren S. Barham
WARREN S BARHAM



DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing	Attorney Docket No.	N1261-007
	First Named Inventor	Warren S. BARHAM
	COMPLETE IF KNOWN	
	Application Number	10/025,819
	Filing Date	December 26, 2001
	Group Art Unit	1638
	Examiner Name	A. Kubelik

STATEMENT UNDER 37 C.F.R. §1.48

Assistant Commissioner
Washington, D.C. 20231

FRED McCUISTION hereby states that he is a co-inventor of the invention of the above-identified application filed in the name of Warren S. Barham.

The above application was inadvertently filed omitting my name as a co-inventor through error and without any deceptive intention on our part.

Date: 12/31/03

Fred McCuiston
Fred McCUISTION



DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing	Attorney Docket No.	N1261-007
	First Named Inventor	Warren S. BARHAM
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	Filing Date	December 26, 2001
	Group Art Unit	1638
	Examiner Name	A. Kubelik

STATEMENT UNDER 37 C.F.R. §1.48

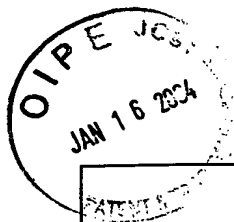
Assistant Commissioner
Washington, D.C. 20231

GREG TOLLA hereby states that he is a co-inventor of the invention of the above-identified application filed in the name of Warren S. Barham.

The above application was inadvertently filed omitting my name as a co-inventor through error and without any deceptive intention on our part.

Date: Dec. 19, 2003

Greg Tolla
Greg TOLLA



DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing	Attorney Docket No.	N1261-007
	First Named Inventor	Warren S. BARHAM
	COMPLETE IF KNOWN	
	Application Number	10/025,819
	Filing Date	December 26, 2001
	Group Art Unit	1638
	Examiner Name	A. Kubelik

STATEMENT UNDER 37 C.F.R. §1.48

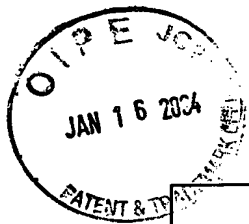
Assistant Commissioner
Washington, D.C. 20231

ROBERT BARHAM hereby states that he is a co-inventor of the invention of the above-identified application filed in the name of Warren S. Barham.

The above application was inadvertently filed omitting my name as a co-inventor through error and without any deceptive intention on our part.

Date: 1-06-04

Robert Barham
Robert BARHAM



DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing	Attorney Docket No.	N1261-007
	First Named Inventor	Warren S. BARHAM
	COMPLETE IF KNOWN	
	Application Number	10/025,819
	Filing Date	December 26, 2001
	Group Art Unit	1638
	Examiner Name	A. Kubelik

STATEMENT UNDER 37 C.F.R. §1.48

Assistant Commissioner
Washington, D.C. 20231

BENITO JUAREZ hereby states that he is a co-inventor of the invention of the above-identified application filed in the name of Warren S. Barham.

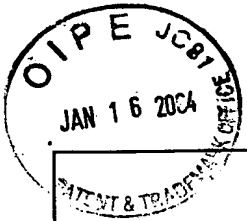
The above application was inadvertently filed omitting my name as a co-inventor through error and without any deceptive intention on our part.

Date: _____

12/18/03



Benito JUAREZ



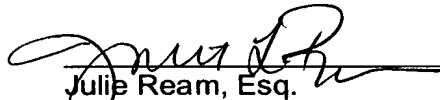
DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing	Attorney Docket No.	N1261-007
	First Named Inventor	Warren S. BARHAM
	COMPLETE IF KNOWN	
	Application Number	10/025,819
	Filing Date	December 26, 2001
	Group Art Unit	1638
	Examiner Name	A. Kubelik

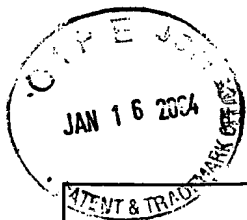
CONSENT OF ASSIGNEE SEMINIS VEGETABLE SEEDS, INC.

Assistant Commissioner
Washington, D.C. 20231

Seminis Vegetable Seeds, Inc., Assignee of the interest of Warren S. Barham in the application identified above, through its undersigned authorized officer, hereby consents to correction of the inventorship of the subject application to add as co-inventors Robert Barham, Fred McCuiston, Benito Juarez and Greg Tolla along with the originally named inventor.

Date: 12/18/03


Julie Ream, Esq.
General Counsel
Seminis Vegetable Seeds, Inc.



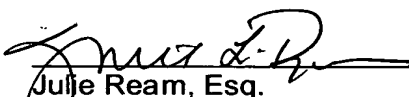
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	Group Art Unit	1638
	Examiner Name	A. Kubelik

STATEMENT PURSUANT TO 37 C.F.R. 3.73(b)

Assistant Commissioner
Washington, D.C. 20231

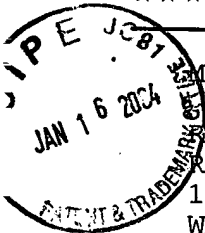
Seminis Vegetable Seeds, Inc., through its undersigned authorized officer, represents that it is the assignee of the entire interest in the above-identified application with respect to the rights of inventor Warren S. Barham and that an assignment to it from this inventor has been recorded at Reel 012659, Frame 0414. A copy of the assignment is attached and has been reviewed by the undersigned authorized officer of Seminis Vegetable Seeds, Inc., who certified that, to the best of the assignee's knowledge and belief, title is in Seminis Vegetable Seeds, Inc.

Date: 12/18/03


Julie Ream, Esq.
General Counsel
Seminis Vegetable Seeds, Inc.



UNITED STATES
PATENT AND
TRADEMARK OFFICE



MAY 07, 2002

PTAS MAY 10 2002

Commissioner for Trademarks
Arlington, VA 22202-3513
www.uspto.gov

ROTHWELL, FIGG, ERNST & MANBECK
ROBERT J. JONDLE
1425 K STREET, N.W., SUITE 800
WASHINGTON, D.C. 20005

255
N1261-007



102015303A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/07/2002

REEL/FRAME: 012659/0414
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BARHAM, WARREN S.

DOC DATE: 02/14/2002

ASSIGNEE:

SEMINIS VEGETABLE SEEDS, INC., A
CORP. OF CALIFORNIA
37437 STATE HWY. 16
WOODLAND, CALIFORNIA

SERIAL NUMBER: 10025819
PATENT NUMBER:

FILING DATE: 12/26/2001
ISSUE DATE:

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

03-14-2002

FORM PTO-1619A


 U.S. Department of Commerce
 Patent and Trademark Office
PATENT

102015303

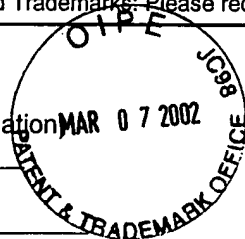
**RECORDATION FORM COVER SHEET
 PATENTS ONLY**

N1261-007

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- ☒ New **3-7-02**
- ☐ Resubmission (Non-Recordation) **MAR 07 2002**
- ☐ Document ID# _____
- ☐ Correction of PTO Error
- Reel # _____ Frame # _____
- ☐ Corrective Document
- Reel # _____ Frame # _____

**Conveyance Type**

- ☒ Assignment ☐ Security Agreement
- ☐ License ☐ Change of Name
- ☐ Merger ☐ Other _____

(For Use ONLY by U.S. Government)

- ☐ Document File ☐ Secret File

Conveying Party(ies)

Name (line 1) Warren S. BARHAM

Second Party

Name (line 1)

Name (line 2)

- ☐ Mark if additional names of conveying parties attached
- 02/14/2002

Execution Date

Receiving Party

Name (line 1) Seminis Vegetable Seeds, Inc.

Name (line 2) California corporation

Address (line 1) 37437 State Hwy. 16

Address (line 2) Woodland, California

Address (line 3)

- ☐ Mark if additional names of receiving parties attached
- ☐ If document to be recorded is an assignment and the receiving party is not domiciled in the U.S., an appointment of domestic representative is attached.

Domestic Representative Name and Address

Enter for the First Receiving Party only.

Name: Robert J. Jondle

Address (line 1): Rothwell, Figg, Ernst & Manbeck

Address (line 2): 1425 K Street, N.W.

Address (line 3): Suite 800

Address (line 4): Washington, D.C. 20005

FOR OFFICE USE ONLY

03/14/2002 6TON11 00000075 10025819

01 FC:581

40.00 DP

Correspondent Name and Address

Area Code and Telephone Number: 202/783-6040

Name: Robert J. Jondle
Address (line 1): Rothwell, Figg, Ernst & Manbeck
Address (line 2): 1425 K Street, N.W.
Address (line 3): Suite 800
Address (line 4): Washington, D.C. 20005

PagesEnter the total number of pages of the attached conveyance document
including any attachments

1

Application Number(s) or Patent Number(s)☐ Mark if additional numbers attached*Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property)*

Patent Application Number(s):

Patent Number(s):

10/025,819

If this document is being filed together with a new Patent Application, enter the date of the patent
application was signed by the first named executing inventor.

Patent Cooperation Treaty (PCT)

Enter PCT application Number
only if a U.S. Application Number
has not been assigned

Number of Properties

Enter the total number of properties involved. 1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$40.00

Method of Payment:

☒ Enclosed☐ Deposit Account☐ Credit Card

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: 02-2135

Authorization to charge additional fees: Yes ☒ No ☐**Statement and Signature**

*To the best of my knowledge and belief, the foregoing information is true and correct and any
attached copy is a true copy of the original document. Charges to deposit account are authorized,
as indicated herein.*

Robert J. Jondle, Reg. No. 33,915

Name of Person Signing


SignatureMarch 6, 2002

Date

ASSIGNMENT

WHEREAS, I, WARREN S. BARHAM, a citizen of the United States, residing at 7401 Crawford Drive, Gilroy, California 95020, am the inventor of an invention in "METHOD OF PRODUCING SEEDLESS WATERMELON" for which I have executed an application for Letters Patent of the United States, filed on December 26, 2001, with Serial No. 10/025,819; and

WHEREAS, Seminis Vegetable Seeds, Inc., incorporated in the state of California, with a place of business at 37437 State Hwy. 16, Woodland, California, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said Warren S. Barham have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Seminis Vegetable Seeds, Inc., its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said invention in any country or countries foreign to the United States, and all Letters Patent which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof and all rights of priority in any such country or countries based upon the filing of the said application for Letters Patent of the United States which are created by any law, treaty or international convention; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said invention to the said Seminis Vegetable Seeds, Inc., its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to said Seminis Vegetable Seeds, Inc., its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said Seminis Vegetable Seeds, Inc., its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my signature below:

2/14/02, 2002 Warren S. Barham
Warren S. Barham